

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FRANCISCO JAVI MARTINEZ
ESCOTO,

Defendant.

CR 21–33–BLG–DLC

ORDER

United States Magistrate Judge Timothy J. Cavan entered his Findings and Recommendation July 8, 2021. (Doc. 24.) As neither party objected, they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Therefore, the Court reviews the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Cavan recommends that the Court accept Defendant Francisco Javi Martinez Escoto’s guilty plea. Escoto appeared before Judge Cavan pursuant to Federal Rule of Criminal Procedure 11 and entered a plea of guilty to the Indictment, which charges the crime of illegal reentry, in violation of 8 U.S.C.

§§ 1326(a) and (b)(1). (*Sealed* Doc. 8.)

Finding no clear error, IT IS ORDERED that the Court ADOPTS the Findings and Recommendation (Doc. 24) IN FULL.

IT IS FURTHER ORDERED that Francisco Javi Martinez Escoto's motion to change plea (Doc. 17) is GRANTED, and Francisco Javi Martinez Escoto is adjudged guilty as charged in the Indictment.

DATED this 23rd day of July, 2021.



Dana L. Christensen, District Judge
United States District Court